

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	
)	
)	No. 3:20-CR-99-KAC-HBG
ANDREW LYNN,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the undersigned on Defendant's Unopposed Motion to Continue Trial Setting and All Corresponding Deadlines [Doc. 24], filed on November 8, 2021. Defendant asks the Court to continue the December 7, 2021 trial date approximately six months. He states a continuance is necessary to allow the parties to continue working toward a negotiated resolution. He states that the parties also need time to litigate Defendant's motions to suppress evidence and to dismiss charges, both of which raise significant issues. Finally, Defendant states the parties need time to prepare for trial. The motion relates that the Government does not oppose the requested continuance of the trial and other pretrial deadlines. The parties have conferred with Chambers and agreed on a new trial date of June 14, 2022.

The Court finds Defendant Lynn's motion to continue the trial and schedule is unopposed by the Government and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court finds that additional time is necessary to litigate pretrial

motions and prepare this case for trial. Defendant Lynn is charged with forty counts of healthcare fraud allegedly occurring between January 2009 and August 7, 2018 [Doc. 3]. The parties are involved in ongoing plea negotiations and request time to resolve this case without a trial. However, if plea negotiations are not fruitful, the parties will need time to litigate the pending motions to suppress evidence and dismiss the charges. Finally, once the parties receive a ruling on these dispositive motions, they will need time to prepare for trial. The Court finds that the remaining pretrial preparations cannot be concluded by the December 7 trial date or in less than seven months. Thus, the Court concludes that without a continuance, counsel would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The motion to continue the trial and schedule [Doc. 24] is **GRANTED**. The trial of this case is reset to **June 14, 2022**. The Court finds that all the time between the filing of the motion on November 8, 2021, and the new trial date of June 14, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & - (7)(A)-(B). The Court also sets a new schedule in this case, which is stated in detail below.

Accordingly, it is **ORDERED** as follows:

- (1) The Defendant's Unopposed Motion to Continue Trial Setting and All Corresponding Deadlines [Doc. 24] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **June 14, 2022, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (3) All time between the filing of the motion on **November 8, 2021**, and the new trial date of **June 14, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;

- (4) The Government's deadline for responding to the pending pretrial motions is extended to **January 21, 2022**. Defendant may reply to the Government's responses on or before **January 28, 2022**;
- (5) The parties are to appear before a United States Magistrate Judge for a hearing on the pending pretrial motions on **February 15, 2022, at 9:30 a.m.**;
- (6) The deadline for filing a plea agreement in the record and providing reciprocal discovery is extended to **May 16, 2022**;
- (7) The deadline for filing motions *in limine* is extended to **May 27, 2022**;
- (8) The parties are to appear before a United States Magistrate Judge for a final pretrial conference on **May 31, 2022, at 11:00 a.m.**; and
- (9) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **June 3, 2022**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge